4-11-2016

State v. Williams Appellant's Reply Brief Dckt. 43129

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	**NO. 43129**
	)	
v.	)	**ADA COUNTY NO. CR 2014-9532**
	)	
CHAD LEE WILLIAMS,	)	**REPLY BRIEF**
	)	
Defendant-Appellant.	)	
	)	

REPLY BRIEF OF APPELLANT

APPEAL FROM THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

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District Judge

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STATEMENT OF THE CASE

Nature of the Case

In his appellant's brief, Chad Lee Williams argued that the district court erred by denying his motion to suppress because, among other things, it incorrectly concluded that *State v. Reynolds*, 143 Idaho 911 (Ct. App. 2007), stands for a bright-line rule that the police can detain anyone nearby while the officers execute a search *or* arrest warrant. In response to that argument, the State contends the officers' actions were reasonable under the Fourth Amendment. This reply addresses that argument only.

ISSUE

Did the district court err when it denied Mr. Williams' motion to suppress because the officers detained Mr. Williams for longer than necessary and then arrested him without probable cause?

ARGUMENT

The District Court Erred When It Denied Mr. Williams' Motion To Suppress Because The Officers Detained Him For Longer Than Necessary And Then Arrested Him Without Probable Cause

In his appellant's brief, Mr. Williams argued that the officers could not lawfully detain him simply because he was in the vicinity when the officers arrested Mr. Bellenbrock. (App. Br., pp.9–11.) Specifically, the district court erred by concluding that *State v. Reynolds*, 143 Idaho 911 (Ct. App. 2007), and therefore *Michigan v. Summers*, 452 U.S. 692 (1981), stand for a bright-line rule that the police can detain anyone nearby while they execute a search *or* arrest warrant. (*See* App. Br., pp.9–11; Tr., p.42, L.10 – p.43, L.5.) The State has not argued to the contrary. (*See* Resp. Br., pp.7–13.) Indeed, some of the cases cited by the State expressly conclude as much. (Resp. Br., p.10; *see United States v. Enslin*, 327 F.3d 788 (9th Cir. 2003) (conducting a reasonableness analysis to determine that officers, while looking for the subject of an arrest warrant inside a home, lawfully required a person they found in the home to show his hands); *State v. Valdez*, 68 P.3d 1052, 1058 (Utah Ct. App. 2003) (stating that "absent authority to the contrary [such as *Summers*], each situation is subject to a necessity determination through examination of the totality of the circumstances," and then considering the totality of the circumstances to decide whether law enforcement lawfully detained the defendant during the execution of an arrest warrant on a third party) (internal citations omitted); *see also Adams v. Springmeyer*, 17 F. Supp. 3d 478, 502 (W.D. Pa. 2014) ("[B]ecause *Summers* "grants substantial authority to police officers to detain outside of the traditional rules of the Fourth Amendment," its reach must be carefully circumscribed.") (quoting *Bailey v. United States*, 133 S. Ct. 1031, 1042 (2013)).)

The State instead argues that the detention here was lawful because it was reasonable under the Fourth Amendment. (Resp. Br., pp.9–13.) Mr. Williams disagrees. First, the arrest warrant here, unlike a search warrant, adds nothing to the analysis. *See Summers*, 452 U.S. at 701–04 ("Of prime importance in assessing the intrusion is the fact that the police had obtained a warrant to search respondent's house for contraband. . . . The connection of an occupant to that home gives the police officer an easily identifiable and certain basis for determining that suspicion of criminal activity justifies a detention of that occupant."); *see also* App. Br., pp.10–11. Rather, the primary justification for Mr. Williams' detention was officer safety. (*See* Tr., p.20, L.16 – p.21, L.6; Resp. Br., pp.11–12.) Yet the officers had no specific, articulable reason to believe Mr. Bellenbrock[1] or any of the other individuals had violent histories, had weapons, or otherwise posed a danger. (*See* Tr., p.20, L.25 – p.21, L.6 (Officer Theuson explaining that the officers did not know whether Mr. Bellenbrock "would reenter the residence, access weapons. These three people that were with them, we didn't know who they were; if we left them, if they would have assisted him in trying to avoid being captured, if they were armed.").) Mr. Williams acknowledges that, even absent specific evidence of danger, the officers had a legitimate interest in securing their safety and thus could have stopped Mr. Williams from going back into the apartment or toward where Mr. Bellenbrock fled. *See Summers*, 452 U.S. at 702–03. He contends, however, that the interest in officer safety could have just as easily been met by allowing him to leave the scene. Therefore, it was not reasonable for the officers to detain Mr. Williams while they arrested Mr. Bellenbrock.

[1] Mr. Bellenbrock had a warrant out for contempt after he failed to appear for drug court. (State's Ex. 1, p.2.) That exhibit also appears to contain Mr. Bellenbrock's criminal history, which consists of non-violent misdemeanor offenses and felony driving under the influence. (State's Ex. 1, pp.2–3.)

CONCLUSION

Mr. Williams respectfully requests that this Court vacate his judgment of conviction and reverse the order denying his motion to suppress.

DATED this 11th day of April, 2016.

_____/s/_____
MAYA P. WALDRON
Deputy State Appellate Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 11th day of April, 2016, I served a true and correct copy of the foregoing APPELLANT'S REPLY BRIEF, by causing to be placed a copy thereof in the U.S. Mail, addressed to:

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